

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION



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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2010 JUN 22 P 1:46

AZ CORP COMMISSION
DOCKET CONTROL

In the matter of:

THEODORE J. HOGAN & ASSOCIATES,
LLC a.k.a. TED HOGAN AND
ASSOCIATES, an Arizona limited liability
company,

THEODORE J. HOGAN a.k.a. TED KILLS
IN THE FOG, a married man

and

CHRISTINA L. DAMITIO a.k.a.
CHRISTINA HOGAN, a married woman

Respondents.

DOCKET NO. S-20714A-09-0553

**SECURITIES DIVISION'S RESPONSE
TO SECOND RENEWED MOTIONS TO
DISMISS**

(Assigned to the Hon. Marc E. Stern)

Arizona Corporation Commission

DOCKETED

JUN 22 2010

DOCKETED BY

On May 21, 2010, Hogan and Damitio filed Motions to Dismiss claiming that they were entitled to full discovery. After the Securities Division responded, on May 27, 2010, ALJ Stern denied their Motion to Dismiss. Hogan and Damitio renewed their Motions to Dismiss asserting that the Securities Division failed to provide "the entire discovery" as ordered by ALJ Stern. *See Damitio's June 7, 2010 Response to the Securities Division Motion for Telephonic Testimony and Hogan's June 8, 2010 Motion-to-Dismiss Docket No. S-20714A-09-0553.* The Securities Division filed a reply. After the start of the Administrative Hearing on June 15, 2010, Hogan and Damitio filed documents that appeared to again request that this matter be dismissed. The Securities Division responded. The Administrative Hearing continued on June 21, 2010. Hogan and Damitio filed additional documents requesting that the pending matter be dismissed.

There is no basis to grant Hogan's and Damitio's Initial, Renewed or Second Renewed Motions to Dismiss. The Securities Division presented its evidence to support the allegations set forth in the Notice of Opportunity. Hogan and Damitio chose not to present any testimony or evidence to support their position. The Second Renewed Motions to Dismiss should be denied.

RESPECTFULLY SUBMITTED this 22nd day of June, 2010.

By Wendy Coy
Wendy Coy
Attorney for the Securities Division of the
Arizona Corporation Commission

ORIGINAL AND THIRTEEN (13) COPIES of the foregoing
filed this 22nd day of June, 2010, with

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

COPY of the foregoing hand-delivered this
22nd day of June, 2010, to:

ALJ Marc Stern
Arizona Corporation Commission/Hearing Division
1200 West Washington
Phoenix, AZ 85007

3 COPIES of the foregoing mailed
this 22nd day of June, 2010, to:

THEODORE J. HOGAN & ASSOCIATES
THEODORE J. HOGAN, and
CHRISTINA L. DAMITIO
460 Andante
Sedona, Arizona 86336

By: Vernice Sandoz